

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HILDEBRAND *et al.*

Appl. No.: 10/076,181

Filed: February 12, 2002

For: **System and Method for Providing
Distributed Access Control to
Secured Items**

Confirmation No.: 8962

Art Unit: 2155

Examiner: Bates, Kevin T

Atty. Docket: 2222.5390002

Fifth Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☐ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☒ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date

of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - ☒ c. The required fee is provided through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

The required fee is provided through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
- ☒ 7. Copies of documents FP1-FP4, NPL1, NPL9, and NPL34-NPL47 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached IDS Forms are submitted. In addition, documents NPL2-NPL8 and NPL10-NPL33 (all U.S. Appl. Nos.) are co-pending application that are available for viewing by the Examiner on the USPTO's IFW system, therefore copies of documents NPL2-NPL8 and NPL10-NPL33 are not enclosed.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☒ 9. It is requested that the examiner will review the prosecution and cited art in the sibling application nos. 10/074,804 filed February 12, 2002, 10/075,194 filed February 12, 2002, 10/076,254 filed February 12, 2002 (now U.S. Pat. No. 7,260,555), 10/074,996 filed February 12, 2002, 10/074,825 filed February 12, 2002, 10/105,532 filed March 20, 2002, 10/127,109 filed April 22, 2002, 10/132,712 filed April 26, 2002 (now Abandoned), 10/159,537 filed May 31, 2002 (now U.S. Pat. 7,178,033), 10/159,220 filed May 31, 2002, 10/186,204 filed June 26, 2002, 10/186,203 filed April 1, 2002, 10/201,756 filed July 22, 2002, 10/206,486 filed July 25, 2002, 10/206,737 filed July 26, 2002, 10/246,079 filed

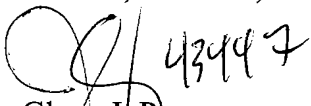
September 17, 2002, 10/259,078 filed September 27, 2002 (now Abandoned), 10/259,075 filed September 27, 2002 (now Abandoned), 10/286,575 filed November 1, 2002, 10/295,363 filed November 15, 2002, 10/325,102 filed December 20, 2002 (now Abandoned), 10/404,566 filed March 31, 2003, 10/405,587 filed April 1, 2003 (now Abandoned), 10/445,657 filed March 27, 2003 (now U.S. Pat. No. 6,889,210), 11/889,310 filed August 10, 2007, 11/797,367 filed May 2, 2007, 09/168,531 filed October 8, 1998 (now U.S. Pat. No. 6,145,084), 10/146,207 filed May 31, 2002, 10/262,218 filed September 30, 2002, 10/677,049 filed September 30, 2003, 10/676,850 filed September 30, 2003, 10/676,474 filed September 30, 2003, 10/690,243 filed October 20, 2003, 10/742,710 filed December 19, 2003, 10/745,183 filed December 22, 2003, 10/815,229 filed March 30, 2004, 10/815,251 filed March 30, 2004, 10/894,493 filed July 19, 2004, 10/448,806 filed March 30, 2003, 10/610,832 filed June 30, 2003, 10/642,041 filed August 15, 2003, 10/242,185 filed September 11, 2002, 10/286,524 filed November 1, 2002, 10/325,013 filed December 20, 2002, 10/327,320 filed December 20, 2002, 10/368,277 filed February 18, 2003, 10/028,397 filed December 21, 2001, 11/889,685 filed August 15, 2007, and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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